

Appendix C

Whistleblower Policy

Reporting Improper or Unlawful or Unsafe or Unethical Conduct – No Retaliation

Employees are encouraged to report reasonable concerns about the City's compliance with any law, regulation, or policy, using one of the methods identified in this policy. The City will not retaliate against anyone who opposes a practice or discloses information that they reasonably believe is evidence of:

- A violation of any federal, Oregon, or local law, rules, or regulations by the City;
- Mismanagement, gross waste of funds, abuse of authority, violation of civil rights, or ethics by a representative or employee of the City; or
- Any practice that is a violation of law, regulation, or standard pertaining to safety and health by a representative or employee of the City; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body, of a political subdivision, or an elected auditor of a city, county, or service district.

Employee Reporting Options

In addition to the City's Open-Door Policy, employees who wish to report potential improper, unsafe, or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the Department Director or Human Resources. All Supervisors and Department Directors are required to inform Human Resources about any report of improper, unsafe, or unlawful conduct they receive from employees.

Reports of unlawful, unsafe, or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City were to prohibit, discipline, threaten to discipline, or discharge an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the disclosure must relate to the conduct of a coworker, supervisor or department director acting within the course and scope of his or her employment. The disclosure must have been made to either: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a supervisor or manager with the City; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

Policy against Retaliation

The City will not retaliate or tolerate any retaliation against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper, unsafe, or unlawful.

In addition, the City prohibits retaliation against an employee because they participate in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City employee will be adversely affected because they refused to carry out a directive that constitutes fraud, is unsafe, or is a violation of local, Oregon, federal or other applicable laws and regulations. The City may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct.

This policy is not intended to protect an employee from the consequences of their own misconduct or inadequate performance simply by reporting the misconduct, unsafe, or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.